

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

CARNIVAL CARTING, INC.

and

**Cases 29-CA-20586
29-CA-22552**

**LOCAL 813, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

ORDER¹

Roger Carnivale's petition to revoke Subpoena B-555902 is denied. The subpoena seeks information relevant to the matter under investigation, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Respondent has failed to establish any other legal basis for revoking the subpoenas. See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 7, 2008

WILMA B. LIEBMAN, MEMBER

PETER C. SCHAUMBER, MEMBER

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Members Liebman and Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Section 3(b) of the Act.